

Chapter 18

STREETS AND SIDEWALKS♣

- Art. 18-1. In General, § 18-1-1**
- Art. 18-2. Street Cuts, §§ 18-2-1 – 18-2-5**
- Art. 18-3. Snow Removal, § 18-3-1**
- Art. 18-4. Public Street Improvement Repayment, §§ 18-4-1 – 18-4-8**

ARTICLE 18-1. IN GENERAL

Sec. 18-1-1. Street dedication and acceptance.

The City of Show Low will only accept the dedication of a street if:

- (1) All persons having any legal right, title or interest in the proposed street right-of-way have consented to its dedication; and
- (2) The street right-of-way has been fully improved in accordance with all applicable street improvement standards, including the design standards contained in the Code of the City of Show Low, Chapter 12, Divisions VI and VII.

(Ord. No. 345, 11-5-91)

Sec. 18-1-2. Superintendent of Streets

The public works director shall be the superintendent of streets. If there is a vacancy in the position of the public works director, then the superintendent of streets shall be the city manager.

(Ord. No. 2011-10, §1, 7-19-11)

♣ **Editor's note**—Ord. No. 225, § 1, adopted Feb. 5, 1985, repealed Ch. 18 in its entirety. Former Ch. 18, consisting of Art. 18-1, §§ 18-1-1 – 18-1-6, pertained to the street lighting commission generally. At the discretion of the editor, and with the permission of the city, Ch. 18 now includes provisions relative to streets and sidewalks.

ARTICLE 18-2. STREET CUTS♣♣

Sec. 18-2-1. Right-of-way permit.

Any person or entity desiring to make a street cut or to bore under any city street, or to perform other construction work within any city street right-of-way within the city, shall notify the public works director or designee of the city prior to making any such cuts, bore or performing such construction. Prior to making any such cuts, bore or performing any construction work, said person or entity shall apply for and obtain a City of Show Low right-of-way permit. Said right-of-way permit will only be given to licensed contractors and/or a City-approved person approved to work in the right-of-way by the public works director or said designee.

(Ord. No. 146, §2, 8-16-81; Ord. No. 175, §1, 6-22-83; Ord. No. 641 §8, 12-21-99)

Sec. 18-2-2. Repair of streets.

Any person or entity cutting or boring into a street within the City of Show Low shall cause said street to be repaired in accordance with the city street cut repair or street bore repair specification as shall be adopted by resolution, three (3) copies of which shall be kept on file with the office of the city clerk and copies thereof shall be made available to persons doing work within the city rights-of-way.

(Ord. No. 146, §2, 8-16-81)

Sec. 18-2-3. Emergency cuts.

Nothing herein contained shall be interpreted to prevent the accomplishment of necessary emergency work in the event of any bona fide emergency.

(Ord. No. 146, §2, 8-16-81)

Sec. 18-2-4. Penalty.

Any person violating any of the provisions of sections 18-2-1 or 18-2-2 shall be guilty of a civil violation punishable as provided in section 1-8-1(a) of this Code. Each day that a violation continues shall constitute a separate offense.

(Ord. No. 146, 2, 8-16-81; Ord. No. 2004-14, §16, 7-6-04)

♣ ♣ **Editor's note**—The provisions of Art. 18-2, as derived from Ord. No. 146, § 2, adopted Aug. 16, 1981, were formerly codified as §§ 12-4-1 – 12-4-4 of Ch. 12. At the discretion of the editor, and with the permission of the city, said provisions are included herein as §§ 18-2-1 – 18-2-4.

Sec. 18-2-5. Inspections.

Whenever in the judgment of the council it is deemed necessary, it may provide for the inspection of any public street or right-of-way for the purpose of examining the condition of all improvements, or the manner in which such infrastructure is used, and shall set applicable fees for such inspection by resolution.

(Ord. No. 461, §10, 12-21-99)

ARTICLE 18-3. SNOW REMOVAL

Sec. 18-3-1. Parking obstructions during snow removal.

- (1) *Vehicles parked/stopped during snow removal operations – Violation and declared nuisance.* Any vehicle which is found to be stopped, parked, or abandoned on public streets, right-of-ways or easements is hereby declared to be an obstruction to the snow removal operations and is an infraction punishable by a fine as set forth in section 18-3-1(3). Such violation is hereby declared to be an obstruction of the public streets which shall constitute a nuisance, which may be abated in accordance with section 18-3-1(2).
- (2) *Vehicles parked/stopped during snow removal operations – Removal to abate nuisance.* In the event any vehicle is stopped, parked, abandoned or left unattended in violation of section 18-3-1(1), any police officer or other city employee granted authority to issue citations is hereby authorized to remove or cause to be removed any such vehicle and to have such vehicle towed or otherwise removed to any public or private garage or parking area and to have such vehicle stored in such garage or parking area at the owner's expense until claimed by the owner.
- (3) Any person violating section 18-3-1(1) is guilty of a civil traffic violation in accordance with section 1-8-1(c) of this Code.

(Ord. No. 2010-19, §1, 12-7-10)

ARTICLE 18-4. PUBLIC STREET IMPROVEMENT REPAYMENT

Sec. 18-4-1. Definitions.

The following words, terms and phrases, when used in sections 18-4-1 through 18-4-8, shall have the meanings set forth below, unless the context clearly indicates a different meaning:

Benefited party: The person or entity creating a demand for or otherwise utilizing special public improvements resulting in a special benefit for which the benefited party has not specifically contributed to the costs in providing such special public improvements.

City: The City of Show Low, Navajo County, Arizona.

Costs: The actual cost of:

- (1) Right-of-way or easement acquisition.
- (2) Construction of the special public improvements as determined by the construction contract price or by the actual costs, such construction to include, but shall not be limited to construction and installation of water pipes and lines, sanitary, irrigation and storm sewer lines and systems, asphaltic and concrete paving, curb, gutter and sidewalks, street lights, traffic signals, and public landscaping.
- (3) Inspection, testing, and permit fees.
- (4) Engineering and design fees required for preparation of plans and specifications.
- (5) Administrative charges paid to the city by the developer or owner.
- (6) Incidental fees, expenses, and charges, including but not limited to capitalized interest required to complete the improvements.

Development agreement: An agreement between one or more parties and the city pursuant to Arizona Revised Statutes Section 9-500.05.

General public benefits: That portion of the expense of the special public improvement that is for general public benefit and does not specially benefit the property subject to reimbursement for special public improvements.

Owner: The developer of property who is seeking the construction of the roadway, street, or other improvements.

Reimbursement amount: The charge which must be paid to the city and imposed upon the owner or developer of property which has or will receive the benefit of special public improvements benefiting their property.

Special benefit: A benefit to a specific parcel of real property from a special public improvement based on a calculation of traffic generated as the result of the special public improvement, volume generated as the result of the special public improvement, cost per frontage foot of the special public improvement, or cost apportioned per acre of the special public improvement.

Special public improvements: Any publicly dedicated rights-of-way, any street, drainage, water or sewer improvements, or facilities or any other improvements financed by bonds, general funds, water utility funds or sewer utility funds and are completed after the effective date of this ordinance.

State Law Reference—A.R.S. §9-500.05.

Sec. 18-4-2. Policy.

Sections 18-4-2 through 18-4-8 intend to provide for the extension of special public improvements into undeveloped areas of the city by encouraging the extension of such improvements and providing for the reimbursement of the costs of such improvements other than those costs which are for general public benefit by the owners of parcels which specifically benefit from such improvements and which are not subject to any other special assessments or special charges for the benefit which they receive from the special public improvement.

Sec. 18-4-3. Construction of special public improvements.

Prior to a permit being issued for construction of special public improvements for which repayment of reimbursement amount is being requested, the following requirements shall be met:

- (1) A preliminary diagram describing all property which will be benefited by any special public improvements to be installed shall be provided to the public works director or designee. The city shall determine which properties are benefited by the improvements.
- (2) The field engineering, plans, and specifications required for the special public improvements may be prepared by the owner or the city. If prepared by the owner, they must be approved by the public works director or designee prior to construction. The engineering costs for preparation of plans and staking of the special public improvements only, which are incurred by the person, may be included as determined by the public works director or his designee in the agreed-upon construction costs as provided in this section.
- (3) For any special public improvements which are constructed, the owner shall furnish and install to city specifications all facilities within the boundary of the designated area of the development.

- (4) Detailed plans and specifications for special public improvements which are extensions to existing public facilities must be approved by the public works director prior to construction. The costs for the preparation of plans and specifications, diagrams, and other information required by the owner to comply with sections 18-4-1 through 18-4-8 shall be assumed by the owner.
- (5) The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34, Arizona Revised Statutes and City Code. The construction costs shall be determined prior to the commencement of construction and shall be approved by the city. In the event that the agreed-upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the city.
- (6) The city will perform the inspection during construction and shall charge the owner for the inspection of the special public improvements. The costs of such inspections may be included in any repayment agreement.
- (7) The ownership of all special public improvements upon inspection and acceptance as meeting city standards shall be vested in the city.

State law reference—A.R.S. §34-201

Sec. 18-4-4. Authorization of repayment agreements.

- (1) Upon development of any property within or outside the city limits for which a special public improvements project will be constructed, the developer or owner paying the cost of the special public improvements may request the city manager or his designee after approval by the city council to enter into a reimbursement agreement to collect reimbursement amounts from the developers and owners of parcels specially benefited by the project located within or outside the city.
- (2) Upon construction of special public improvements, the cost of which were financed by bonds issued by the city, including improvement or assessment bonds, the city may impose upon and collect reimbursement amounts pursuant to the terms of section 18-4-6.
- (3) Following approval by the city council, the city manager shall be authorized to enter into repayment agreements under this chapter. Such agreements shall be recorded in the office of the Navajo County recorder.

Sec. 18-4-5. Repayment agreements, terms, collections, and costs.

- (1) The repayment agreement shall designate the parcels and persons who are

entitled to reimbursement amounts and shall include a diagram of the properties and respective amounts from which reimbursement amounts may be collected. In the event bonds of the city, including improvement district or assessment bonds, have been issued to finance the construction of the special public improvements and related facilities, the city shall receive all reimbursement amounts and apply such amounts to the debt service funds of the applicable bond issue.

- (2) The repayment agreement shall set forth the total of the reimbursement amount to be paid to the city, which agrees to repay such reimbursement amounts to the owner. The total of such reimbursement amounts shall not exceed that portion of the agreed-upon construction costs of the special public improvements allotted to property outside the area of the owner. The repayment agreement shall terminate in ten (10) years or when the total amount provided for by this chapter is repaid, whichever is earlier.
- (3) The approved construction costs as described in section 18-4-1 will be used for calculation of all reimbursement amounts.
- (4) Upon entering into a repayment agreement with the city, the owner shall have the right to connect into the special public improvements in consideration for entering into the repayment agreement.
- (5) The field engineering, plans, and specifications required for a special public improvement shall be prepared by the owner and submitted in a manner acceptable to the city and approved by the city prior to construction. The engineering costs for preparation of plans and siting of the special public improvements on the property which are incurred by the owner may be included as determined by the city in the agreed-upon construction costs as provided in this section. The city will perform the inspections during construction. The owner shall provide as-builts of the project upon completion.
- (6) The city shall have sole and exclusive control of connections to the special public improvements. Connections to the special public improvements may only be made upon issuance of a written permit from the city. It shall be unlawful to make a connection to a special public improvement without a permit. Such connections may be removed by the city and the costs of removal assessed to the party making the connection.
- (7) Prior to the inspection and acceptance of the special public improvements by the city, all reimbursement amounts due by an owner for repayment of the benefit which the property received from the special public improvements shall be paid to the city.
- (8) A one-time administrative charge will be assessed by the city for the administration of each repayment agreement. The charge shall be calculated

based on actual cost incurred by the city for the administration of the agreement; however, the charge shall not be less than five thousand dollars (\$5,000.00).

- (9) Any owner may assign the benefits arising out of any reimbursement agreement with the city. Such assignments shall not relieve the owner from any duties and obligations under the agreement. The assignment shall require written approval of the city.

Sec. 18-4-6. Reimbursement amounts payable to city.

- (1) When a special public improvement is constructed by the city or its contractors to provide service or benefit to a parcel of an owner, which owner or his predecessors in interest did not pay for any of the costs of the special public improvement, the city may impose and collect a reimbursement amount. The reimbursement amount shall be based on the benefited parcel's share of the benefit received as compared to the total cost of the special public improvement as determined by the city council at the time that the special public improvement is approved. The reimbursement amount shall be determined utilizing the public works director's or designee's recommendation, which shall be based on applicable factors, including but not limited to frontage of the benefited property, area of the benefited property, and development potential of the benefited property. The reimbursement amount shall be paid to the city prior to the issuance of a building permit for the benefited property which was not permitted prior to the installation of the special public improvement, or the issuance of an encroachment permit to access city right-of-way for the purpose of connecting to the special public improvement. This section shall not prohibit the issuance of a building permit for any type of construction, including additions, renovations, and new structures, which were permitted on the benefited property prior to the installation of the special public improvement.
- (2) It shall be unlawful for any person to connect to a special public improvement to their property for which a reimbursement amount has been imposed without first paying the reimbursement amount and obtaining a permit issued by the city.
- (3) The repayment obligation under this section shall terminate in ten (10) years or when the total amount provided for by this chapter is repaid, whichever is sooner.
- (4) The city shall collect reimbursement for any special public improvements financed by improvement district or assessment district bonds, development fee funds, and general obligation bond funds which were specifically designated as subject to reimbursement from special public improvement repayments. Any owner who has paid all or part of the debt service upon any bonds, the proceeds of which were used to finance special public improvements, shall have

no claim to the reimbursement amounts repaid to the city under this chapter.

- (5) Those portions of special public improvements constructed under this chapter which are for general public benefit shall not be subject to repayment under the provisions of this chapter.

Sec. 18-4-7. Notice of intention to approve special public improvements.

- (1) Upon the determination of the public works director or designee that the public health, safety, welfare, and convenience requires the construction of special public improvements prior to the development of the adjacent property but for which the adjacent property will be specially benefited, a map establishing the boundaries of the zone and indicating the amount of charges for special public improvements on each parcel shall be prepared by the public works director and filed in the office of the city clerk. The map for the special public improvement shall contain:
 - (a) A description of the special public improvements.
 - (b) A general description of the estimated total cost and cost per frontage foot or cost per acre of the proposed special public improvements.
 - (c) A description of the special public improvements project area and a map and list of all owners of real property who will be receiving a special benefit from the construction of the special public improvements.
 - (d) A determination of that portion of the special public improvements which is for general public benefit and that portion which is for special benefit of the owner.
 - (e) A preliminary estimate of the portion of the special public improvements which will be financed with general obligation bonds, special assessments, or improvement district assessments and the portion which will be financed with repayments for special public improvements.
- (2) Those owners of real property within the area subject to repayment for special public improvements shall receive notice in writing of the proposed charges for special public improvements. Notice of the nature of the proposed charges for special public improvements and the date of the meeting at which it will be considered shall be mailed to all affected property owners within the special public improvement project area at least fifteen (15) days prior to the meeting. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

- (3) The map for the special public improvements (inclusive of parcel numbers) shall be recorded with the Navajo County recorder concurrently with the owners of the real property within the area subject to repayment for special public improvements receiving written notice of the proposed charges for special public improvements.

Sec. 18-4-8. Assessment districts, improvement districts, general obligation bond projects, cost apportionment.

- (1) Upon collection of reimbursement amounts pursuant to any special public improvements ordered under section 18-4-5, which is located in a municipal improvement district and financed assessments, such funds shall be deposited with administrative services. The funds shall be applied against the outstanding indebtedness for which improvement district bonds were issued.
- (2) Reimbursements for special public improvements pursuant to section 18-4-5 may be used in combination with a general obligation bond issue, provided that the general obligation bond issue question submitted to the qualified electors indicates that such reimbursements may be required of benefited property owners. All amounts collected from such reimbursements shall be deposited in the general obligation bond fund from which the special public improvements project is financed.

State law reference—A.R.S. §48-571

(Ord. No. 2013-04, §1, 7-16-13)